

**CRR-1538-2026 (O&M)****-1-****133 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH****CRR-1538-2026 (O&M)**

Date of Decision:16.06.2026

Parkash Singh

..... Petitioner

Versus

Jitender Kumar &amp; anr.

.....Respondents

**CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present: Mr. Pardeep Kumar Sehrawat, Advocate and  
Ms. Preeti Chaudhari, Advocate  
for the petitioner.

Mr. Rajesh Nain, Advocate  
for respondent No.1.

Mr.Vishal Singh, AAG, Haryana

**Rajesh Bhardwaj, J. (Oral)**

1. Present revision petition has been filed by the petitioner impugning the judgment of conviction dated 09.12.2025 and order of sentence dated 15.12.2025 passed by learned Sub Divisional Judicial Magistrate, Tohana and order dated 19.05.2026, whereby, appeal filed by the petitioner against the orders dated 09/15.12.2025, was dismissed.

2. The case as enumerated from the facts is that a complaint under Section 138 of the Negotiable Instruments Act, 1881 (for short, 'the NI Act) was filed against the petitioner by the complainant/respondent No.1 on the allegations that complainant/respondent No.1 advanced Rs.4,00,000/- to the petitioner. In order to clear his debt, the petitioner issued cheque bearing No.605940 dated 01.09.2020 amounting to Rs.5,00,000/-, which on presentation by complainant-respondent No.1 got dishonoured with the

**CRR-1538-2026 (O&M)****-2-**

remarks 'Funds Insufficient'. Thereafter, respondent No.1 served legal notice dated 10.12.2020 upon the petitioner, but despite that he failed to make the payment and ultimately complaint was filed. After trial, the trial Court convicted the petitioner and sentenced him to undergo simple imprisonment for a period of 01 year. The petitioner was also directed to pay 50% of cheque amount by way of compensation (in addition to the amount of cheque in question). Aggrieved by the conviction and sentence awarded by learned Sub Divisional Judicial Magistrate, Tohana, the petitioner assailed the same by way of filing an appeal before the learned Appellate Court. Learned Appellate Court, finding no merit in the appeal, dismissed the same by upholding the conviction and sentence of the petitioner vide its order dated 19.05.2026. Hence, the petitioner has approached this Court by way of filing the present revision petition challenging the above said orders.

3. Learned counsel for the petitioner has submitted that the petitioner is not in custody. However, now the parties have settled the dispute and the entire amount has been paid by the petitioner to the complainant-respondent and now nothing is due against him. The said compromise has also been placed on record as Annexure P-1. He further submits that in view of the settlement effected between the parties, the petitioner be allowed to compound the offence and he be acquitted of the charges under Section 138 of the Act, and the orders under challenge in the present revision petitions be set aside. He has placed reliance on the law laid down by Hon'ble Supreme Court in **Raj Reddy Kallem vs. The State of Haryana and another**, Law Finder Doc Id# 2557645, wherein, it has been held that there is no bar to seek the



compounding of the offence at later stage of criminal proceedings including after conviction.

4. *Vakalatnama* has been filed on behalf of respondent No.1, today in the Court and same is taken on record. Learned counsel for respondent No.1 has affirmed the contentions raised by learned counsel for the petitioner with regard to the settlement and has submitted that complainant-respondent No.1 has no objection, if the present petition is allowed and the orders under challenge are set aside/quashed.

5. Heard. As the parties have compromised the matter and have buried the hatchet, no purpose would be served by punishing the petitioner, who has already honoured the terms of the compromise, which fact has been affirmed by learned counsel for respondent No.1-complainant. In **Raj Reddy Kallem's** case (*supra*), it has been held that the accused must try for compounding of the offence at the initial stages instead of later stages, however, there is no bar to seek the compounding of offence at later stage of criminal proceedings including after conviction.

6. That the Hon'ble Supreme Court in Judgement of '**Damodar S. Prabhu's case (supra)**' has issued certain guidelines to deposit certain amount when the compounding is effected at a belated stage in matters pertaining to Negotiable Instruments Act however, in a recent Judgement of Hon'ble Supreme Court in **Rajeev Khandelwal Versus State of Maharashtra and another**, has been held that the conditions laid down in the **Damodar S. Prabhu's case (supra)** do not constitute binding precedents and held as under:-



CRR-1538-2026 (O&amp;M)

-4-

*“The law laid down in the aforementioned judgment cannot be regarded as a binding precedent, as every case must be considered on its own facts. In the present case, we are inclined to hold that the direction imposing costs on the appellant, to be paid to the Legal Services Authority cannot be sustained in the eye of law, particularly when the 3 complainant does not want any further amount and the appellant has expressed his inability to comply with the same, which aspect is not in dispute.”*

7. So keeping in view above facts and the law settled by Hon’ble Supreme Court, the petitioner is allowed to compound the offence. As consequences, the order dated 19.05.2026 passed by the learned Additional Sessions Judge, Fatehabad and judgment/order dated 09/15.12.2025 passed by the learned Sub Divisional Judicial Magistrate, Tohana, convicting and sentencing the petitioner under Section 138 of the NI Act, are set aside.

8. Revision petition is allowed in above terms and the pending applications, if any, are also disposed of.

9. Needless to say that the parties shall remain bound by the terms and conditions of the compromise effected between the parties.

**(RAJESH BHARDWAJ)**  
**JUDGE**

**16.06.2026**  
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|---------------------------|---|--------|
| Whether Speaking/Reasoned | : | Yes/No |
| Whether Reportable        | : | Yes/No |